

Jun 12, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RUTH ANN CONDE CHEESMAN,

Plaintiff,

v.

DSHS REGION 1 /DCFS CHILDRENS

ADMINISTRATION; PAMELA J.

ANDERSON, TABITHA A. SNYDER,

MAYRA CUENCA; STATE OF

WASHINGTON ATTORNEY GENERAL

BOB FERGUSON; CHILDREN'S

ADMINSTRATION: DCFS AREA

ADMINISTRATOR – BERTA NORTON,

Defendants.

ROY D. CHEESMAN,

Plaintiff,

v.

TABITHA SNYDER, MAYRA CUENCA,

PAMELA ANDERSON, BERTA

NORTON, DEPARTMENT OF SOCIAL

AND HEALTH SERVICES,

CHILDREN'S ADMINISTRATION,

Defendants.

No. 1:18-cv-03013-SAB

No. 1:18-cv-03224-SAB

**ORDER GRANTING MOTION
TO CONSOLIDATE; SETTING
HEARING ON MOTION FOR
SUMMARY JUDGMENT**

**ORDER GRANTING MOTION TO CONSOLIDATE; SETTING HEARING
ON MOTION FOR SUMMARY JUDGMENT ~ 1**

1 Before the Court are Defendants' Amended Motion to Consolidate, filed in
2 1:18-cv-03013-SAB, ECF No. 44, and Motion to Consolidate, filed in 1:18-cv-
3 3224-SAB, ECF No. 20.

4 Defendants ask that these two cases be consolidated to avoid unnecessary
5 cost, delay and duplication. The Court finds that Defendants have established that
6 it is appropriate to consolidate these two cases under Fed. R. Civ. P. 42(a).¹

7 Plaintiff Roy Cheesman filed a response in which he appears to ask the
8 Court to consolidate this case with a state court case and/or to order Defendants to
9 remove that case to the Eastern District of Washington. The Court declines to
10 grant Plaintiff's request.

11 There is a pending Motion for Summary Judgment that Defendants filed in
12 1:18-cv-03013-SAB, ECF No. 25. Previously, the Court struck the hearing on the
13 motion to permit Plaintiff Roy Cheesman the opportunity to respond to the motion
14 to consolidate. The Court resets the hearing to August 9, 2019 without oral
15 argument. The following notice is provided to Plaintiffs regarding Defendants'
16 pending motion for summary judgment:

17 Defendants have made a motion for summary judgment in which they
18 seek to have your case dismissed. A motion for summary judgment
19 under Rule 56 of the Federal Rules of Civil Procedure will, if granted,
20 end your case.

21 Rule 56 tells you what you must do in order to oppose a motion for
22 summary judgment. Generally, summary judgment must be granted
23 when there is no genuine issue of material fact—that is, if there is no
24 real dispute about any fact that would affect the result of your case,
the party who asked for summary judgment is entitled to judgment as

25 ¹ (a) Consolidation. If actions before the court involve a common question of law
or fact, the court may:

- 26 (1) join for hearing or trial any or all matters at issue in the actions;
27 (2) consolidate the actions; or
28 (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a).

**ORDER GRANTING MOTION TO CONSOLIDATE; SETTING HEARING
ON MOTION FOR SUMMARY JUDGMENT ~ 2**

1 a matter of law, which will end your case. When a party you are suing
2 makes a motion for summary judgment that is properly supported by
3 declarations (or other sworn testimony), you cannot simply rely on
4 what your complaint says. Instead, you must set out specific facts in
5 declarations, depositions, answers to interrogatories, or authenticated
6 documents, as provided in Rule 56[c], that contradict the facts shown
7 in Defendants' declarations and documents and show that there is a
8 genuine issue of material fact for trial. If you do not submit your own
evidence in opposition, summary judgment, if appropriate, may be
entered against you. If summary judgment is granted, your case will
be dismissed and there will be no trial.

9 *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998).

10 Plaintiff Roy Cheesman is instructed that the pending Motion for Summary
11 Judgment, ECF No. 25, applies to both cases. Thus, if the Court grants the motion,
12 his case will be dismissed and there will be no trial.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendants' Amended Motion to Consolidate, 1:18-cv-03013-SAB, ECF No. 44, is **GRANTED**.
2. Defendants' Motion to Consolidate, 1:18-cv-3224, ECF No. 20, is **GRANTED**.
3. All future pleadings shall be filed under Case No. 1:18-cv-03013-SAB, unless the Court directs otherwise. Case No. 1:18-cv-03224-SAB shall be administratively closed.
4. The hearing on Defendants' pending Motion for Summary Judgment, 1:18-cv-03013-SAB, ECF No. 25, is **set for August 9, 2019**.
5. Plaintiff Roy Cheesman is permitted, but not required, to file an opposition to Defendant's Motion for Summary Judgment, or he may rely on the briefing filed by Ruth Anne Conde Cheesman, ECF Nos. 39, 40, to oppose the motion. Any opposition must be filed on or before **July 9, 2019**.
6. Defendant's reply, if any, must be filed on or before **July 18, 2019**.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and forward copies to Plaintiffs and counsel.

DATED this 12th day of June 2019.



Stanley A. Bastian

Stanley A. Bastian
United States District Judge